HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Second Appeal No.361 of 2007

APPELLANTS PLAINTIFFS

1."a" Tejmati W/o late Jageshar, Aged about 55 years.

2. Alakh S/o Budhram, Aged About 40 years.
3. Sonsai S/o Budhram, Aged about 40 years.
4. Tengana S/o Budhram, aged about 37 years.
5. Sudhari W/o Tilak, D/o Budhram, Aged about 34 years.
6. Raini W/o Dhur, D/o Budhram, Aged about 32 years.
7. Mudari, W/o Ramnath, D/o Budhram, Aged about 22 years.
8. Kendi, W/o Late Budhram, Aged about 70 years.
9. Rajbhawan S/o Rupsai, Aged about 40 years.
10. Seerinarayan, S/o Rupsai, Aged about 35 years.

All are by caste-Bargaah, Occupation-Agriculturists, R/o Village Jajagaa, Tahsil Uadaipur, Thana Lakhanpur, District Surguja (C.G.)

versus

RESPONDENTS DEFENDANTS

1. Mohansai S/o Hirdan, Aged about 45 years.

2."a" Smt. Kenaparhin W/o Late Amirsai, aged 50 years.

2. "b" Kayaso S/o Late Amirsai, Aged about 24 years.

3. Babulal S/o Hirdan, Aged about 35 years.

All are by caste-Bargaah, Occupation-Agriculturists, R/o Village Jajagaa, Tahsil Uadaipur, Thana Lakhanpur, District Surguja (C.G.)

4. State of Chhattisgarh Through Collector, Surguja, Ambikapur, (C.G.)

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Second Appeal under Section 100 of C.P.C.

Present : Shri Sanjay Patel, counsel for the appellants.

ORAL ORDER
(Passed on 03rd September, 2007)

Heard on admission.

(2) The appellants are aggrieved by the judgment and decree dated 28-06-2007 passed by the 1st Additional District Judge, Ambikapur, District Surguja in Civil Appeal No.33-A/2005 whereby the judgment and decree dated 31-08-2005 passed by the 5th Civil Judge Class –II, Ambikapur, District Surguja in Civil Suit No.146-A/1996 dismissing the suit for permanent injunction, was affirmed.

(3) The appellants/plaintiffs had filed suit for permanent injunction simplicitor in which the question of possession of the appellants/plaintiffs over the suit property on the date of suit was germane. Both the Courts below have recorded a concurrent finding of fact that the appellants/plaintiffs were not in possession of the suit land on the date of suit.

(4) In my considered opinion, no substantial question of law arises for determination in this appeal which is accordingly dismissed at the stage of admission.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Tumane